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REMARKS

Claims 1 - 42 are pending. No amendments are made at this time because Applicants believe claims 1 - 42 recite allowable subject matter. Applicants respectfully request reconsideration and timely withdrawal of the pending rejection for the reasons noted below.

35 U.S.C. § 102 Rejection

Claims 1 - 42 are rejected under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent No. 6,393,479 issued to Glommen, *et al.* ("Glommen"). Applicants respectfully traverse this rejection.

In order for a rejection under 35 U.S.C. § 102(e) to be proper, a single reference must disclose each and every feature of the claimed invention. The Examiner opines that Glommen teaches all the features of the invention as claimed. Applicants, however, respectfully disagree for the reasons noted below.

Claims 1, 17 and 32

Independent claims 1, 17 and 32 each recite an uncacheable single pixel Graphic Image File (GIF) request that is contained in an information file of a webpage and transmitted over a network to the original host server whenever the webpage is retrieved from a cached location. Upon receiving the single pixel GIF request, the original host server reads and stores the enriched data contained in the request. Representative of these features is claim 1, which recites, in part:

... the information file further including an uncacheable single pixel Graphical Image Format (GIF) request;

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wherein upon interpreting the information file, the single pixel GIF request is transmitted from the requesting element over the communications network to the server network element which reads and stores enriched data contained therein.

Additionally, claim 17 recites, in part:

... a single pixel Graphical Image File (GIF) request;

... transmitting the single pixel GIF request from the requesting element over the communications network to the server network element; and

reading and storing the enriched activity data contained in the transmitted single pixel GIF request at the server network element.

With regard to these claimed features, the Examiner suggests at page 3 of the office action that:

Glommen discloses html code which contains a graphical element (not cached by the server) is [sic] used to gather information about a website visitor and scripts that gathers [sic] additional information (such as monitor resolution, etc.) in order to provide efficient detail of a website visitor pattern.

Based on these suggestions, the Examiner concludes, “Glommen meets the requirements of tracking a user’s interactions with an uncacheable single pixel GIF as claimed ...” This conclusion assumes, however, that the graphical element disclosed by Glommen equals the invention’s uncacheable single pixel GIF request, which contains enriched data. As explained below, this assumption is incorrect.

Glommen teaches a system and method for tracking real-time user flow through the pages of a website. In direct contrast to the invention, Glommen teaches maintaining the state of

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a user's browser path in a traffic analysis cookie that is passed back and forth between a traffic analysis server (TAS) and a visitor browser.

The TAS creates a cookie for every webpage that a visitor's browser requests for viewing from a file server, which may be the TAS itself or a remote unit. Included in the created cookie is an image source file that was previously requested by the visitor's browser. In other words, Glommen teaches (i) storing an image source file on the TAS, (ii) marking the html code of a webpage with a graphical element that links to the stored image file, and (iii) returning the image file together with a specially created cookie to the visitor's browser.

Glommen teaches using the cookie to store data and only uses an image request as the mechanism to transmit the cookie. Nothing in Glommen teaches defeating internet caching, *e.g.*, Glommen does and is non-cacheable single pixel GIF request. Glommen teaches using the cookie to store data and only uses an image request as the mechanism to transmit the cookie. Nothing in Glommen teaches defeating internet caching, *e.g.*, Glommen does not send a non-cacheable single pixel GIF request as claimed. In fact, Glommen does not teach or disclose storing and processing enriched data contained in a single pixel GIF request at all. In contrast to

the claimed invention, Glommen's invention will only work if the end user client browser is configured (i) to accept cookies, (ii) allow java script execution and (iii) retrieve image files. The claimed invention, however, works even when the client browser is not configured to (i) allow java script. This is important because many client browsers are not configured to accept cookies and/or are not configured to execute java script. Thus, as claimed, the invention merely requires that a client browser be configured to retrieve image files.

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In further contrast, Glommen teaches storing a multipixel image file on a server and returning the image file together with a cookie back to the visitor's web browser. This is contrary to the claimed invention, which embeds a single pixel GIF request, together with enriched data included in a common gateway interface (CGI) string query appended thereto, in an information file associated with a webpage. When the webpage is retrieved from a cached location other than the original host server, the GIF request and its payload of enriched data are transmitted back to the original host server. Upon receipt, the host server reads and stores enriched data contained in the GIF request. As noted above, Glommen fails to teach this feature. This validates and supports Applicants' position that Glommen (i) fails to disclose an uncacheable single pixel GIF request containing enriched data; (ii) fails to teach a server reading and storing the enriched data; and (iii) explicitly teaches away from these features as recited in claims 1, 17 and 32.

Thus, claims 1, 17 and 32 are in condition for allowance because Glommen fails to disclose each and every recited feature. Claims 2 - 16 and 18 - 31 are also allowable for at least the reasons noted above with respect to claims 1, 17 and 32 from which they depend, as well as for their added features. Accordingly, Applicants request that the rejection of claims 1 - 42 be withdrawn.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to IBM Deposit Account No. 09-0457.

Respectfully submitted,



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